

REQUEST FOR COUNCIL ACTION

MEETING **E-8**
DATE: 12-01-03

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO.
ITEM DESCRIPTION: Land Subdivision Permit (Preliminary Plat) #03-36 to be known as Fox Trails, by Roger Carlsen. The applicant is proposing to subdivide approximately 49.09 acres of land into 53 lots for single family and low density residential development and 3 Outlots. The applicant is also requesting approval of a <i>Substantial Land Alteration</i> to permit changing grades by 10 feet or more on the property. The property is located north of 19 th Street NW, west of West Circle Drive and south of the Badger Ridge development and is included in the approved West 19 Development General Development Plan.		PREPARED BY: Theresa Fogarty, Planner

December 1, 2003

REVISED

NOTE: The applicant has requested a Substantial Land Alteration Permit.

Staff is recommending revising Condition No. 1 (c) and adding Conditions # 8, #9 and #10. The recommended conditions to be added are shown as underlined text.

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on November 12, 2003 to consider this preliminary plat.

Ms. Kristi Clarke of McGhie & Betts, Inc., addressed the Commission and stated that the applicant was in agreement with the staff-recommended conditions.

The Planning Commission found that this preliminary plat will conform with the applicable criteria with the following conditions or modifications:

1. **The Plat shall be revised, as follows:**
 - a. Changing the roadway identified as "Arctic Circle NW" to "Lane", but cannot use Arctic Lane NW.
 - b. Dedicating controlled access along the entire frontage of 19th Street NW, with the exception of the public street access for Ashland Place NW and along both sides of Ashland Place NW with 200 feet of the intersection of 19th Street NW.
 - c. Prior to Final Plat submittal, dedication of a public drainage easement shall be required, for the entire area of the property that will remain within the 100 year floodplain and the potential dam breach inundation area of flood control reservoir KR-6, located upstream, based on the approved Grading Plan and/or LOMR, if applicable.
2. Grading and Drainage Plan approval is required prior to submitting the Final Plat for each phase of development. Storm Water Management must be provided and a Storm Water Management fee will be applicable to any areas of this property that do not drain to a public on-site detention facility constructed by the Owner.
3. Pedestrian facilities (concrete sidewalk) shall be required, at the Owner's expense, along the frontages of both sides of all new public roadways within this development, along the entire northerly frontage road of 19th Street NW abutting the property, and within the mid-block connection pedestrian outlots identified as Outlots 'A' and 'B'. The mid-block pedestrian connections identified as Outlots 'A' and 'B' shall be dedicated to the City, at no cost.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

4. *Dedication of parkland shall be met via: cash in lieu of land, as recommended by the City Park & Recreation Department in the attached memo, dated October 29, 2003.*
5. *Development of this property will need to be phased so that trip generation does not exceed 1200 average daily trips, prior to a second access being constructed to serve the property.*
6. *The water system must be extended to the (planned City Project J9751) 19th Street NW crossing (near the west side of Lot 32, Block 2), as recommended by Rochester Public Utilities – Water Division in the attached memo, dated October 22, 2003.*
7. *Prior to Final Plat submittal and/or development of this Property, the applicant shall enter into a Development Agreement with the City that outlines the obligations of the applicant relating to, but not limited to, stormwater management, right-of-way dedication, transportation improvements (including turn lanes and traffic calming measures along Ashland Place NW, access control, pedestrian facilities, extension of utilities, phasing of development, addressing ownership, maintenance and access to Outlot 'C', and contributions for public infrastructure.*
8. *Upon approval by the City Council for the Substantial Land Alteration, the applicant shall provide surety that guarantees the site will be fully restored after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property. If the City Council denies the Substantial Land Alteration, the grading plans shall be returned to the designers for reevaluation.*
9. *Development within the potential dam breach inundation area of flood control reservoir KR-6, located upstream, shall be designed to be protected above a design discharge rate equivalent to the emergency spillway hydrograph outflow from the upstream reservoir. Location of the structures shall be approved through the Site Development Plan process.*
10. *The only access to the plat is not allowed through a floodway area. Prior to Final Plat application, the applicant shall secure flood free access to the property. This could be via a public right-of-way easement on the property located to the east of this plat. Construction of the roadway must be resolved prior to plat approval and the flood free access must be in place prior to construction of dwellings.*

Ms. Rivas moved to recommend approval of Preliminary Plat #03-36 to be known as Fox Trails, by Roger Carlsen with staff-recommended findings and conditions. Mr. Burke seconded the motion. The motion to recommend approval carried 8-0.

Planning Department Recommendation:

See attached staff report, dated November 5, 2003.

See attached amended staff report, dated November 19, 2003 for the Substantial Land Alteration request.

Council Action Needed:

1. *The Council may approve, approve with conditions, or deny the land subdivision permit. The Council must make findings of fact based on the criteria included in the staff report. A motion to deny must include supporting reasons for a conclusion that at least one of the sixteen findings for denial in paragraph 61.225 can be made.*
2. *The Council should include a motion to adopt findings to support either approval or denial of the proposed Substantial Land Alteration Activity.*

Attachments:

1. Staff report, dated November 5, 2003.
2. Amended staff report, dated November 19, 2003.
3. Minutes of the November 12, 2003 CPZC Meeting.
4. Letter from Polaris Group, dated October 8, 2003

Distribution:

1. City Administrator
2. City Attorney
3. Planning Department File
4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, December 1, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
5. McGhie & Betts, Inc.



P O L A R I S * G R O U P

8200 HUMBOLDT AVENUE SOUTH . SUITE 302 . BLOOMINGTON, MN 55431 . 952.881.0878 . FAX: 952.881.0023

October 8, 2003

Mr. Ron Livingston
Olmsted County Consolidated Planning Department
2122 Campus Drive SE
Suite 100
Rochester, MN 55904-4744

Re: Conditional Letter of Map Revision (CLOMR), West 19th Development

Dear Mr. Livingston:

This letter provides the technical information that will be provided to the Federal Emergency Management Agency (FEMA) for the above named project. As you are aware, FEMA requires community acknowledgment and approval of the floodplain modification by a signature on the CLOMR application Form 1. Please review the attached information supporting the CLOMR and if these modifications are consistent with communities floodplain management requirements please sign and return Form 1 of the CLOMR application.

This CLOMR modifies the floodway and floodplain of the North Run of the North Fork (NRNF) of Cascade Creek in northwest Rochester. It is proposed as part of the West 19th Development. This submittal includes:

- the FEMA application forms,
- the proposed construction drawings for the West 19th channel,
- the topographic work maps showing the proposed grading and floodplain,
- the annotated FIRM maps,
- the flood elevation information, and
- the hydraulic models and results.

It is anticipated that construction of the West 19th channel will occur during 2004 after the CLOMR has been received. A LOMR will be obtained after channel construction. Development of the area adjacent to the channel will occur after receipt of the LOMR.

Background

The proposed West 19th Development is located north of 19th Street and west of CSAH 22 (West Circle Drive) as shown in Figure 1. A flood control reservoir, KR6, is located upstream of the proposed

development. Since its construction in 1994, this reservoir has seldom impounded water. FEMA has accepted flood discharges that reflect the construction of this reservoir and reduce the peak 100-year flood discharge from 1,280 cfs to 90 cfs. Water discharging through the reservoir's outlet pipe flows through the West 19th Development. The reservoir's emergency spillway is located west of the dam's abutment and does not directly discharge to the West 19th Development.

The West 19th Development is west and immediately upstream of the Circle 19 Plaza Development. The floodway and floodplain at the Circle 19 Plaza Development were revised by a CLOMR during 2000. A Letter of Map Revision (LOMR) has been applied for that considers the as-built conditions. The CLOMR and pending LOMR reduced the floodway to the width of the channel that was constructed along the north side of 19th Street. Figure 2 shows the floodway and floodplain modifications proposed by the Circle 19 Plaza LOMR (Case No. 03-05-3988P).

As part of the Circle 19 Plaza Development, an area was mined and a pond (Hartman Pond) was created. This excavation allows a lower channel to be constructed within the West 19th Development. This constructed channel can contain the entire flood discharges and allows the floodway to be reduced.

The existing floodway of the NRNF at the West 19th Development is between 200 and 400 feet wide and is shown in Figure 2. The average flow depth is less than 0.5 feet. The existing floodway matches the floodway prior to the construction of reservoir KR6. It is our understanding that the regulatory floodway was not changed after the reservoir's construction in order to preserve an area as a measure of safety in the event of a catastrophic breach of the reservoir.

Flood Channel Design

The proposed West 19th Development is located within the potential dam breach inundation area of flood control reservoir KR6. Because of safety concerns in the unlikely event of dam failure, considerable review of flood protection measures for the West 19th Development occurred. This effort included meetings and discussion with staff of the City of Rochester, Olmsted County, the Minnesota Department of Natural Resources (MnDNR), and the Natural Resource Conservation Service and evaluation of various flooding/breach scenarios. These efforts have resulted in a channel design that adequately protects the West 19th Development.

It is our understanding that the City of Rochester is in the process of adopting a policy that requires structures located within a potential dam breach inundation area to be protected above standard floodplain requirements. This policy requires developments within the potential inundation area to be elevated above a design discharge rate equivalent to the emergency spillway hydrograph outflow from the upstream reservoir. This design discharge for the area downstream of reservoir KR6 is 656 cfs. By

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contrast, the 100-year flood discharge for this reach is 90 cfs.

The proposed West 19th channel and development will meet and exceed the requirements of this policy. In addition to preventing flooding of buildings within the development during the design discharge, the channel is also designed to prevent overtopping of the current 19th Street. As an additional measure of safety, the buildings within the development will be elevated above 19th Street which will allow additional protection from flooding.

The construction drawings for this channel area attached. The channel is approximately 60 feet wide with a 20-foot bottom width and 5:1 side slopes.

A 10' x 5' box culvert is proposed under Ashland Drive. The profile of Ashland Drive was established to allow overflow. The 10' x 5' box culvert and overflow will pass the design discharge without overtopping the current 19th Street. Output from the HEC-2 model demonstrating the channel design capacity is attached.

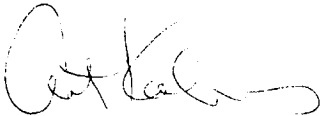
CLOMR

The CLOMR application proposes modifying the floodway and floodplain to be within the West 19th channel. Figure 2 shows the proposed floodway and floodplain modification. Additional maps are provided within the CLOMR application that provide more detail of the proposed modification.

Please review the proposed floodplain modifications. If these modifications are consistent with communities floodplain management requirements please sign and return Form 1 of the CLOMR application.

Please contact me at (952) 881-0619 if you have any questions or comments.

Sincerely,



Art Kalmes, P.E.

C: Richard Freese, Rochester Public Works
Randy Bradt, MnDNR
Suzanne Jiwani, MnDNR
Kristi Clarke, McGhie and Betts

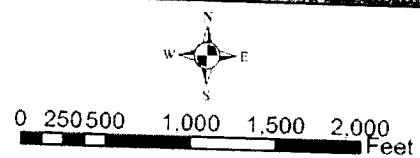
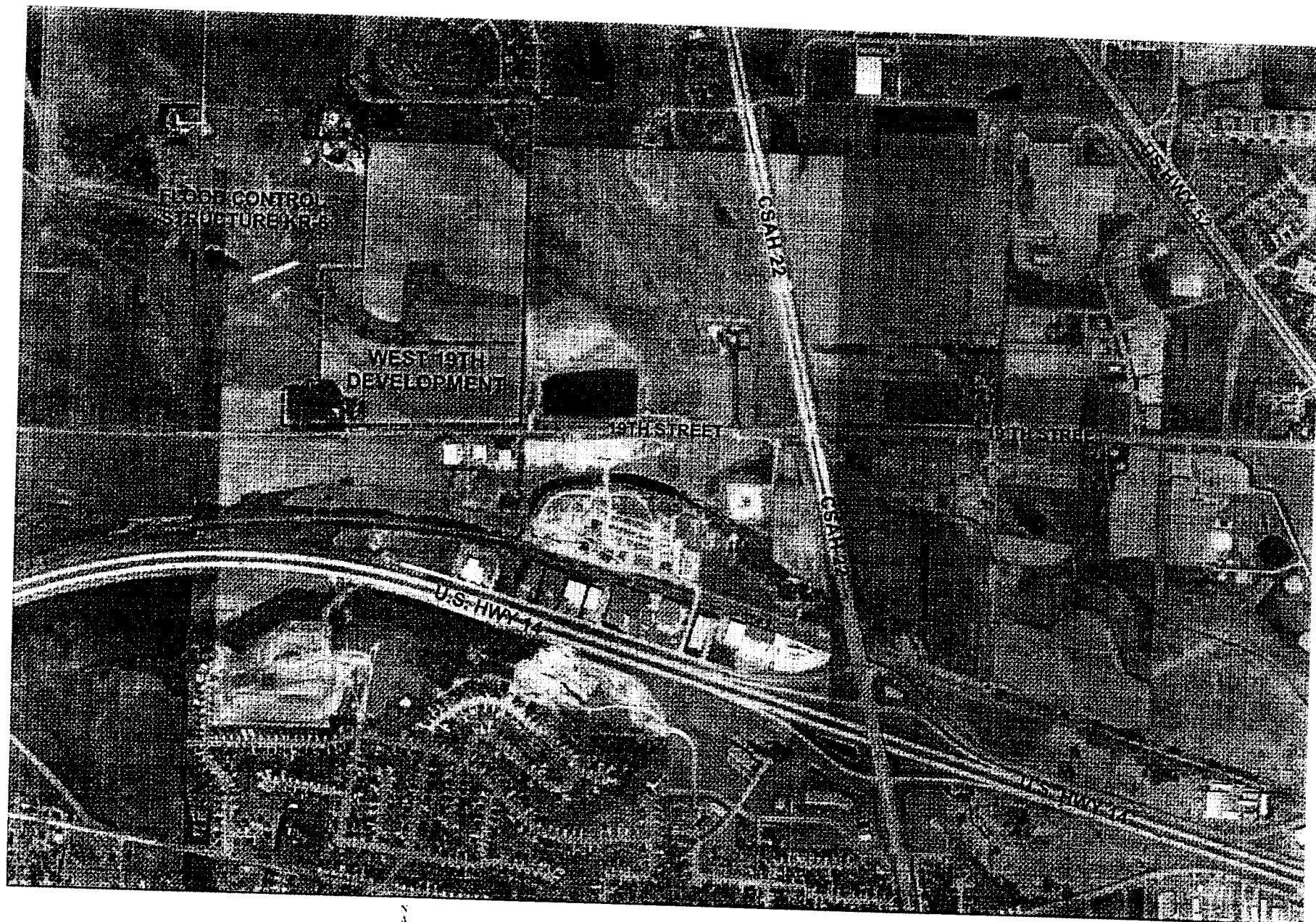


FIGURE 1
LOCATION MAP

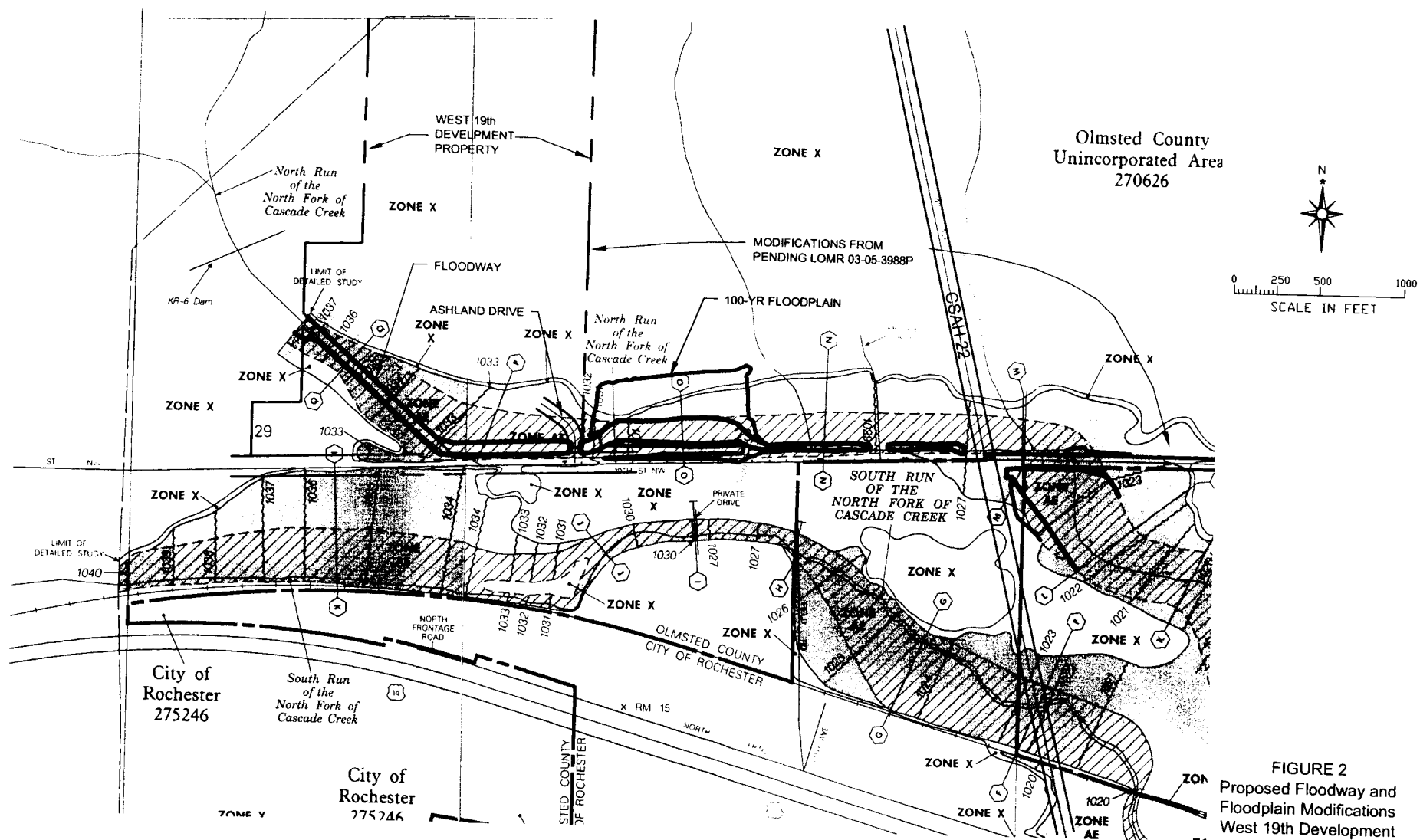


FIGURE 2
Proposed Floodway and
Floodplain Modifications
West 19th Development